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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,287	03/12/2001	Timothy Kolody	MED 2 1118	7462

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EXAMINER

HO, THOMAS Y

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/804,287	<b>Applicant(s)</b> KOLODY ET AL.	
	<b>Examiner</b> Thomas Y Ho	<b>Art Unit</b> 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 is/are allowed.
- 6) ☒ Claim(s) 21-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Status of Claims*

Claims 1-29 are pending. No claims have been withdrawn or cancelled.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper USPN4145612 in view of Edwards USPN5628853, and further in view of Peterson USPN4828208.**

As to claim 21, Cooper discloses a medical appliance interface comprising: a table top 12 having, on opposite sides of the table top, a substantially flat upper surface and a substantially flat lower surface; and, a substantially flat side surface (beveled edge of 12) extending between said upper edge of the table top and said lower edge of the table top. The difference between the claim and Cooper is the claim recites, a groove defined by said upper surface, the groove being spaced from an upper edge of the table top defined by said upper surface; and a ridge defined by said lower surface, the ridge being disposed at a lower edge of the table top defined by said lower surface. Edwards discloses a tabletop similar to the table top of Cooper. In addition, Edwards also teaches a groove 12 defined by said upper surface 2, the groove being spaced from an upper edge of the table top 1 defined by said upper surface. It would have been obvious to one of ordinary skill in the art, having the disclosures of Cooper and Edwards before him at the

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time the invention was made, to modify the table of Cooper to have a groove, as in Edwards, to obtain a groove on the top surface of a table. One would have been motivated to make such a combination because the ability to provide a spill groove would have been achieved, as taught by Edwards (col.8, ln.1-12). Peterson also discloses a tabletop similar to that of Cooper. In addition, Peterson also teaches a ridge 197 defined by said lower surface, the ridge being disposed at a lower edge of the tabletop 7 defined by said lower surface. It would have been obvious to one of ordinary skill in the art, having the disclosures of Cooper and Peterson before him at the time the invention was made, to modify the table of Cooper to have a ridge, as in Peterson, to obtain a ridge on a lower surface of a table. One would have been motivated to make such a combination because the ability to facilitate grasping would have been achieved, as taught by Peterson (col.14, ln.1-15).

As to claim 22, Cooper discloses said substantially flat side surface defines a beveled edge of said tabletop 12.

As to claim 23, Cooper discloses the tabletop 12 includes a foam core surrounded by an outer layer of carbon fibers (col.1, ln.25-40).

As to claim 24, Cooper discloses said substantially flat side surface (beveled edge of 12) is held at an oblique angle relative to at least one of said upper surface and said lower surface of said table top 12.

As to claim 25, Edwards teaches said groove 12 is an elongate groove extending substantially the length of said tabletop 1. Peterson teaches said ridge 197 is an elongate ridge extending substantially the length of said tabletop 7.

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As to claim 26, Edwards teaches the elongate groove 12 is a recess defined between a pair of concave wall surfaces that converge at a bight area (bottom of 12) formed by the upper surface 2 of the table top 1.

As to claim 27, Edwards teaches the bight area includes a flat surface between said pair of concave wall surfaces.

As to claim 28, Edwards, teaches said groove 12 is defined by exclusively curved surfaces. Peterson teaches said ridge 197 is defined by exclusively curved surfaces.

As to claim 29, Cooper discloses said flat upper surface of the tabletop 12 defines a plane. Edwards teaches said groove 12 formed by the upper surface 2 is a recess defined between a pair of concave wall surfaces that converge at a bight area (bottom of 12) formed by the upper surface 2, the bight area being spaced apart from said plane 30 defined by the upper surface 2; and, said upper edge of the table top terminates at a location between said bight area and said plane 30. The height of the crest P1 never exceeds the plane 30 of the top surface.

***Allowable Subject Matter***

Claims 1-20 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

As to claims 1, 6, and 17, the prior art of record fails to disclose or suggest first and second non-planar connection areas, formed by a table, that create the necessary supporting forces against an associated medical appliance.

### ***Response to Arguments***

Applicant's arguments, see pages 14-20, with respect to the rejection under 35 USC 103(a) have been fully considered and are persuasive. The rejections of claims 1-20 have been withdrawn.

Applicant's arguments filed 1/8/04, concerning claims 21-29, have been fully considered but they are not persuasive. Claims 1-20 recite that the support structures perform the function of creating forces on an associated medical appliance/device. Claims 21-29 do not disclose that any medical appliance/device is supported by the claimed structural elements, and so the recitation of "a medical appliance interface" holds little patentable weight.

In response to applicant's argument that Cooper, Peterson, and Edwards are nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the prior art references are all table tops, and so are in the field of applicant's endeavor.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH

  
ROBERT J. SANDY  
PRIMARY EXAMINER